

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 08-00222 WHA

v.

LUKE D. BRUGNARA,

Defendant.

**ORDER RE MOTION TO  
APPOINT COUNSEL AND FOR  
BAIL RECONSIDERATION**

Defendant Luke D. Brugnara has sent another handwritten motion dated October 23, 2014, asking for bail reconsideration and for appointment of new counsel (Dkt. No. 425). This is his *third* handwritten motion, despite prior orders that have referred all pretrial detention issues to Magistrate Judge Nat Cousins and instructed defendant to please not submit any more handwritten motions unless it is a proper motion brought and filed by his counsel (*see, e.g.*, Dkt. Nos. 380, 418).

Now, Brugnara claims that he has been denied effective assistance of counsel because CJA Attorney Erik Babcock has reportedly refused to meet with him in the past month and has not given him “one page” of discovery or other written materials submitted in this prosecution. Brugnara thus requests reasonable bail so that he can “borrow funds to hire effective PRIVATE counsel of his choosing” (Dkt. No. 425 at 1) (emphasis in original).


Brugnara’s claims, however, are only made in his present motion, and not within a declaration or affidavit. Furthermore, unlike many other defendants, Brugnara now has *two* CJA-appointed attorneys. One is Attorney Babcock, and the other is Attorney James Stevens.

1 Given prior orders that have instructed Brugnara to submit motions only through his counsel,  
2 Brugnara should be able to ask at least one of his attorneys to bring and file a proper motion on  
3 his behalf. The undersigned judge has also told defense counsel already — at the October 16  
4 hearing — that if they encounter problems with visiting Brugnara at the jail, they should file  
5 sworn declarations on such problems (Dkt. No. 417). To date, no such declaration has been  
6 filed.

7 The present motion is therefore **DENIED**.

8  
9 **IT IS SO ORDERED.**

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11 Dated: October 29, 2014.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE